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Date: February 29, 2012

To: Members of the House Committee on Transportation

From: Matt Smego
Legislative Counsel

Re: **Testimony in support of HB 5228 (Commercial Motor Vehicle Definition)**

Michigan Farm Bureau (MFB) is the state's largest general farm organization, representing more than 48,000 Michigan farm family members. MFB is a grass roots organization where members at the local level develop, debate and adopt the policies for the organization.

We urge your support of HB 5228 as it will exempt small-business vehicles (between 10,001 and 26,000 lbs.) that are only driven intrastate (within Michigan) from unnecessary federal regulations. An excerpt from MFB policy # 91 titled Farm and Commercial Motor Vehicles states, "We support defining a commercial motor vehicle as a vehicle (single or combination) with a GVWR of 26,001 pounds or greater, as allowed for under federal regulation."

Title 49 CFR, section 350.341 of the federal regulations allow each state to exempt these size vehicles from their regulations for intrastate purpose only; so long as they do not carry hazardous materials or carry 16 or more passengers. Michigan is currently regulating vehicles down to 10,001 lbs. GVWR single or combination. As a result, we are requiring pick-up trucks and trailers that meet this threshold to be regulated as commercial motor vehicles (CMV), while our neighboring states have adopted the federal exemption allowing them to regulate at 26,001 lbs. This discrepancy puts Michigan farms and businesses at a competitive disadvantage, by requiring compliance with additional standards that other states are not. For example, a Michigan farmer may have a $\frac{3}{4}$ ton pick-up truck and livestock trailer to haul their cattle to the stock yard for sale. Under Michigan's current definition, this vehicle combination is regulated as a CMV. However, the same pick-up by itself or equipped with a trailer for personal use is not.

As we must comply with enforcement by state and local enforcement agencies, this regulatory structure has led to confusion and may subject farmers to unnecessary road-side inspections, which in turn may require several hours to conduct. In the middle of planting or harvest season that have a narrow window of opportunity, this could equate to critical time lost.

We believe passage of HB 5228 will:

- Help Michigan farmers and other job providers by removing unnecessary regulation and eliminate our competitive disadvantage with neighboring states
- Create a clearer standard for regulation of CMVs
- Reduce cumbersome regulations that were intended for a larger class of vehicles

Please support this good, common sense legislation that will greatly relieve our Michigan farms and small businesses from regulatory burden and additional unnecessary expense.

Thank you for your support of Michigan's farm families.